

CASE SUMMARY

Date Filed: 08/09/2023
 Date of Loss: 05/27/2023
 Coverage Group: Collision,
 Comprehensive/OTC

Location of Loss: Roscoe, New York
 Negligence Law: Pure Comparative
 Right of Recovery: Negligence

Parties

Parties	Insured Name	Claim Number
07120-0002 PURE / PRIVILEGE UNDERWRITERS RECIP.	Susan Lynch	NY-030-394
00750-0003 STATE FARM MUTUAL AUTOMOBILE INS CO	Salvatore Tantillo	52-50L3-37R

PURE / PRIVILEGE UNDERWRITERS RECIP. (Susan Lynch)

PARTY INFORMATION

Company Name: PURE / PRIVILEGE UNDERWRITERS
 RECIP.
 Company Code: 07120-0002
 Insured Name: Susan Lynch
 Line of Insurance: Personal/Individual

Claim Number: NY-030-394
 Policy Number:
 Policy Issue State:
 Mailing Address:

Liability

Liability Arguments

This is a liability dispute between carriers regarding a two-vehicle accident

LOCATION OF LOSS: This loss occurred 5/27/2023 in a Sunoco gas station parking lot on Rockland Town Old Route 17 in Roscoe, NY.

FACTS OF LOSS: State Farm was backing in the parking lot striking Pure's stopped vehicle. Pure was not in motions, they were stopped waiting on a gas pump to open. State Farm is the sole proximate cause of this loss for failing to maintain proper lookout while backing. The police report confirms the facts of loss and placed State Farm at fault for backing unsafely. No contributing factors listed for Pure. Pure is negligent free and owed 100% of all damages.

LIABILITY: State Farm breached these owed duties:

- ☐ To be attentive to their surroundings and other vehicles.
- ☐ To refrain from backing until it is safe to do so.

STATUTE: **New York**

VAT 1211

Limitations on backing

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

VAT 1162

Starting parked vehicle

No person shall move a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Pure respectfully requests that the Panelist arrive at a fair and reasonable decision awarding Pure full recovery.

Admitted Liability

PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH) admits no liability for STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO)'s's damages.

Evidence

ID	Evidence Type	Description	Pages
N/A	Police Report		

Statement - Driver

N/A Statute

COLLISION

Accepts Policy Limits: Undecided
Accepts Pro Rata: N/A

Accepts Remaining Balance: N/A
Agrees to reimburse insured out-of-pocket expenses: N/A

Policy Limits Note:

Joint & Several: No
Joint & Several Desc: N/A

Coverage Exclusions

There are no coverage exclusions.

Feature – 2014 Jaguar (Decision Published)

Feature Name: 2014 Jaguar
Feature Id: A23021498E6-C1-P1-F1
Claim Number: NY-030-394
Internal Reference:
Claim Representative: Korie White
<mailto:arbitrationrequests@afni.com>
888-767-2361 x: 2994

Remittance Address: PO BOX 3068
BLOOMINGTON, IL 61702-3068

Vehicle Information: 2014 Jaguar Ftype
Bailment: No
Bailment Desc: N/A

Driver Info: Susan Lynch

Spoliation: No
Spoliation Desc: N/A

Pending Total Loss: No

Damages

Damage Type	Amount
Auto Damage	\$14,797.16
Total Company-Paid Damages	\$14,797.16

Total Damages Sought \$14,797.16
Damages Justification/Dispute Rebuttal N/A

Feature Exclusions

There are no feature exclusions.

STATE FARM MUTUAL AUTOMOBILE INS CO Response

Claim Number: 52-50L3-37R
 Internal Reference:
 Claim Representative: VIRGINIA CAMPBELL
 home.clms-afsubservices.787k00@statefarm.com
 8777878276

Disputes

Auto Damage

Labor Rates, Parts, Labor Hours

Original Amount	\$14,797.16
Suggested Amount	\$14,197.16
Arguments	State Farm has reviewed the Applicant's estimate and disputes the following line items:

Line 42 Denib and Polish-Pure is requesting 1.0 hours of labor for denib and finesse

□

- State Farm contends we do not owe to repair imperfections in the refinish due to environmental contamination, poor preparation or improper application of the refinish materials
- Total reduction: \$125.00

Lines 43 and 47 Pre and Post Scans- While STATE FARM does not dispute the need for, nor the industry's acceptance of, Pre- and Post-repair scans on newer vehicles, some dealerships are capitalizing on this requirement by charging excessive and duplicate fees for the service. We believe 0.5 hour of labor PER scan is reasonable for this operation. Any specialized equipment and/or technicians for these procedures are covered under the Body labor rates. The post scan operation is performed in the same form and fashion as the pre-scan operation. Therefore, there should be no additional charge for this operation. Industry standard is 0.5 hours to complete both the pre and the post scans. Reduction: \$125.00

Line 44 Color, Sand, and Buff- This is an issue with the shop, the vehicle owner has decision on body shop choice. This charge was removed as we do not owe to repair imperfections in the refinish due to environmental contamination, poor preparation, or improper application of the refinish materials; Reduction: \$200.00

Line 45 Feather, Prime, Block, and Sand- removed fill, sand and feather as this is a paint operation customarily not allowed as it is included in the refinish time calculation; Reduction: \$150.00

PURE / PRIVILEGE UNDERWRITERS
 RECIP. (Susan Lynch) Rebuttal

The denib and finesse process is virtually needed on every vehicle that is painted. Painters take every step possible to keep them to a minimum, but It is virtually impossible to refinish a panel without getting nibs in the finish. Nibs that need to be remove from the painted surface must done between every coat of paint including the clearcoat. If you spray over the nib you bury it into the paint, every coat of paint will then magnify the size of the nib. To refinish a panel, it can include up to 6 coats of paint including the clearcoat. Every manufacture has technicians that denib the vehicles finish to remove these particles from the paint before they are delivered to the dealerships and sold. This is a necessary step in

returning the vehicle back to its pre-loss condition. The body shop and the technician must be paid for this process.

Pre and Post scans - There is no book time that supports 0.5 hour to complete scans. If scans are completed by dealerships the charge is always 1.0 or more hour per scan at mechanical labor rates. A data time to complete scans is also 1.0 hours or more per scan same as manufacture dealership time. Pre and Post scans are always done at the mechanical rate. This vehicle was inspected by a trained **Applicant / Body shop** staff appraiser. Repair cost have been discussed, negotiated, and agreed upon by **Applicant** and the body shop that completed the repairs. **Respondent** did not inspect the vehicle firsthand and would not be in a better position to argue the accuracy of the estimate or labor times applied by the appraiser that did inspect the vehicle in person.

Color Sand and Buff is a necessary operation and must be done. It is done to make the texture or orange peel of the freshly painted panel match the factory finish on the adjoining panels. The technician tries to get the paint's texture a little coarser than the factory finish so he can then sand and buff or just buff the texture down until it matches. If the technician sprays the panels with less orange peel, he then must buff the factory finish to match the freshly painted panel. It is not a good idea to buff on the factory finishes because it is easier to buff through the factory clear coat. If this is done, he must refinish the clearcoat on the panel he buffed through.

Feather, Prime & Block: is a procedure that restores a repaired panel surface, including the joined areas of replaced welded panels, from 150-grit finish to that of a NEW UNDAMAGED condition. Motors Guide to Estimating: Process is best reserved for the judgment of an estimator/appraiser following a thorough on-the-spot evaluation of the specific vehicle and damage in question.

Exclusions

There are no exclusions.

Evidence

Evidence Type	Description	(E) - Embedded (S) - Shared
Police Report Statement - Driver	Linked to: Arguments	
Statute		

	Linked to: Arguments
(S)Estimate	
	Linked to: Feature - 2014 JAGUAR
(S)Photograph(s)	
	Linked to: Feature - 2014 JAGUAR
(S)Proof of Payment	
	Linked to: Feature - 2014 JAGUAR

STATE FARM MUTUAL AUTOMOBILE INS CO (Salvatore Tantillo)

PARTY INFORMATION

Company Name: STATE FARM MUTUAL AUTOMOBILE INS CO	Claim Number: 52-50L3-37R
Company Code: 00750-0003	Policy Number:
Insured Name: Salvatore Tantillo	Policy Issue State:
Line of Insurance: Personal/Individual	Mailing Address:

Liability

Liability Arguments

This is a liability dispute between State Farm and Pure. State Farm contends that there was never any contact made between both vehicles and as such Pure shall receive a ZERO award in accordance with the state of New York's Pure Comparative Negligence Law.

Loss Facts: The loss occurred on 5/27/23 at 5362 Old roue 17 in Rockland County, New York. Both State Farm and Pure were in a gas station parking lot. Per our insured, we looked in our rearview mirrors, didn't see anything, looked again the released his foot off the brake readily admit to backing slowly. We then heard a horn honk so we immediately hit our brakes and stopped. Even though Pure was behind us, **we did not make contact with their vehicle.**

The police responded to the loss, but did not witness the loss and while some areas of the report appear to implicate State Farm, at no point during the course of our investigation, did our insured ever admit to backing into Pure. Our ensured states that he even told the police officer who responded to the scene that he never made contact with Pure's vehicle. This has all been confirmed by State Farm's recorded statement¹. Although we were indeed reversing, we did not cause harm or damage to Pure's vehicle. Furthermore, the Applicant is requesting over \$14K worth of repairs based on the extent of the damage our vehicle would have some damage.

State Farm prays for a fair and favorable outcome.

Admitted Liability

STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO) admits no liability for PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)'s damages.

Evidence

ID	Evidence Type	Description	Pages
1	Recorded Statement		
N/A	Adjusters Notes		
N/A	Adjusters Notes		

N/A	Police Report
N/A	Denial Letter

COLLISION

Coverage Response

STATE FARM MUTUAL AUTOMOBILE INS CO admits the following for COLLISION features filed against them

Liability Policy in Effect: Yes

Policy Limits

Assert Policy Limits: No
 Policy Limit Amount N/A

Exposures From Prior Awards

Description	Amount	Payment Status
2014 JAGUAR - PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)	\$14,797.16	Proven

Additional Exposures

No Exposures.

Coverage Exclusions

There are no coverage exclusions.

Evidence

Evidence Type	Description	(E) - Embedded (S) - Shared
Recorded Statement	Linked to: Arguments (E)	
Adjusters Notes	Linked to: Arguments	
Adjusters Notes	Linked to: Arguments	
Police Report	Linked to: Arguments	
(S)Reference Material	Linked to: Feature Response - 2014 JAGUAR	
Denial Letter	Linked to: Arguments	
(S)Reference Material	Linked to: Feature Response - 2014 JAGUAR	

SUPPORT INQUIRIES

There are no support inquiries for this case.

RELATED CASES

There are no related cases.

RELATED DEMANDS

ID	Status	Party (Role)	Claim#	Insured
236135904	Closed	PURE / PRIVILEGE UNDERWRITERS RECIP. (DE) STATE FARM INS GROUP (RE)	NY-030-394 52-50L3-37R	Susan Lynch Salvatore Tantillo

NOTIFICATIONS

Date	Event	Company	Method	Address	Status
12/04/2023 09:27 AM	Occurrence Hold - Added	AFNI	Email	arbitrationrequests@afni.com	SENT
09/24/2023 11:00 PM	Decision Published	AFNI	Email	arbitrationrequests@afni.com	SENT
09/22/2023 02:34 PM	Response Submitted	AFNI	Email	arbitrationrequests@afni.com	SENT

ACTIVITY LOGS

Date	Event	Description	Added By	Comments
12/07/2023 09:40 AM	Offline Print request	Entire Case Printed.		0 Comments
12/04/2023 08:29 AM	Offline Print request	Entire Case Printed.		0 Comments
12/04/2023 01:45 AM	Evidence Purged	Evidence item (Police Report, Statement - Driver) for PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH) has been purged.		0 Comments
12/04/2023 01:45 AM	Evidence Purged	Evidence item (Statute) for PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH) has been purged.		0 Comments

12/04/2023 01:45 AM	Evidence Purged	Evidence item (Estimate) for PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH) has been purged.	0 Comments
12/04/2023 01:45 AM	Evidence Purged	Evidence item (Proof of Payment) for PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH) has been purged.	0 Comments
12/04/2023 01:45 AM	Evidence Purged	Evidence item (Photograph(s)) for PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH) has been purged.	0 Comments
09/24/2023 11:00 PM	Decision Published	Decision Published by KULWINDER SINGH for filing A23021498E6-C1-D1 which contains Liability and Feature(s): 2014 JAGUAR (A23021498E6-C1-P1-F1).	0 Comments
09/22/2023 03:04 PM	Revisit Submitted	Revisit submitted as part of filing A23021498E6-C1-D1 by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP.. Revisit reason(s): Damage Dispute. Feature submitted: 2014 JAGUAR (A23021498E6-C1-P1-F1).	0 Comments
09/22/2023 03:04 PM	Filing Ready to Hear	Filing A23021498E6-C1-D1 ready to hear on 09/22/2023	0 Comments
09/22/2023 03:04 PM	Feature Modified	Feature 2014 JAGUAR (A23021498E6-C1-P1-F1) was modified by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
09/22/2023 02:34 PM	Response Submitted	Response for Filing A23021498E6-C1-D1 submitted by STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO). Feature response(s) submitted in the filing: 2014 JAGUAR (A23021498E6-C1-P1-F1) has disputed damages.	0 Comments
09/07/2023 02:20 PM	Response Extension	Response Extension requested by STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO), Response due date extended from 09/08/2023 to 09/25/2023 for A23021498E6-C1-D1 due to Still Investigating.	0 Comments
09/01/2023 01:15 AM	Response Not Submitted	Response not submitted event sent to STATE FARM MUTUAL AUTOMOBILE INS CO .	0 Comments
08/24/2023 03:16 AM	Response Not Submitted	Response not submitted event sent to STATE FARM MUTUAL AUTOMOBILE INS CO .	0 Comments
08/09/2023 02:09 PM	Offline Print request	Entire Case Printed.	0 Comments
08/09/2023 02:09 PM	Evidence Updated	Evidence (Photograph(s)) marked shared	0 Comments

08/09/2023 02:09 PM	Evidence Updated	Evidence (Proof of Payment) marked shared	0 Comments
08/09/2023 02:09 PM	Evidence Updated	Evidence (Estimate) marked shared	0 Comments
08/09/2023 02:09 PM	Feature Submitted	Feature 2014 JAGUAR (A23021498E6-C1-P1-F1) was submitted as part of filing A23021498E6-C1-D1 by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:09 PM	Filing Submitted	Filing A23021498E6-C1-D1 submitted by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. with revisit when Policy Limits are raised. Feature(s) submitted in the filing: 2014 JAGUAR (A23021498E6-C1-P1-F1) with Request to Review if a Jurisdictional Exclusion is raised, Request to Review if a Damage Dispute is raised.	0 Comments
08/09/2023 02:09 PM	Arguments Submitted	Liability Arguments were submitted as part of filing A23021498E6-C1-D1 by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:09 PM	Party Info Submitted	Party Information was submitted as part of filing A23021498E6-C1-D1 by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:09 PM	Incident Details Submitted	Incident Details (A23021498E6) were submitted as part of filing A23021498E6-C1-D1 by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:09 PM	Feature Modified	Feature 2014 JAGUAR (A23021498E6-C1-P1-F1) was modified by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:08 PM	Arguments Modified	Liability Arguments were modified by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:08 PM	Evidence Available	Evidence item (Statute) received via Upload is now available.	0 Comments
08/09/2023 02:08 PM	Evidence Attached	Evidence item (Statute) was attached by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. - Liability Arguments	0 Comments
08/09/2023 02:06 PM	Counterclaim Response Assertions Modified	Counterclaim Response Assertions were modified by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:06 PM	Feature Modified	Feature 2014 JAGUAR (A23021498E6-C1-P1-F1) was modified by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments

08/09/2023 02:04 PM	Evidence Attached	Evidence item (Proof of Payment) was attached by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. - Damages Section	0 Comments
08/09/2023 02:04 PM	Evidence Attached	Evidence item (Photograph(s)) was attached by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. - Damages Section	0 Comments
08/09/2023 02:04 PM	Evidence Attached	Evidence item (Estimate) was attached by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. - Damages Section	0 Comments
08/09/2023 02:04 PM	Coverage Modified	Coverage for Collision was modified by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:04 PM	Evidence Deleted	Evidence item (Police Report) removed by PURE / PRIVILEGE UNDERWRITERS RECIP.	0 Comments
08/09/2023 02:04 PM	Evidence Available	Evidence item (Police Report, Statement - Driver) received via Upload is now available.	0 Comments
08/09/2023 02:04 PM	Arguments Modified	Liability Arguments were modified by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 02:04 PM	Evidence Attached	Evidence item (Police Report, Statement - Driver) was attached by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. - Liability Arguments	0 Comments
08/09/2023 01:57 PM	Party Information Modified	Party Information for STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO) was modified by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 01:56 PM	Feature Added	Feature 2014 JAGUAR (A23021498E6-C1-P1-F1) was added to Collision coverage by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 01:56 PM	Coverage Added	Coverage for Collision was added by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 01:56 PM	Party Added to Case	Party STATE FARM INS GROUP (SALVATORE TANTILLO) was added to this case by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments
08/09/2023 01:56 PM	Evidence Imported	Evidence item (Proof of Payment) was imported on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)	0 Comments
08/09/2023 01:56 PM	Evidence Imported	Evidence item (Photograph(s)) was imported on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)	0 Comments

**ARBITRATION CASE INFORMATION**
CASE ID: A23021498E6-C1

08/09/2023 01:56 PM	Evidence Imported	Evidence item (Estimate) was imported on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)	0 Comments
08/09/2023 01:56 PM	Evidence Imported	Evidence item (Police Report) was imported on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)	0 Comments
08/09/2023 01:56 PM	Initiate Case	New case (A23021498E6-C1) was created by AFNI on behalf of PURE / PRIVILEGE UNDERWRITERS RECIP..	0 Comments

**ARBITRATION DECISION**

FILING ID: A23021498E6-C1-D1

PUBLISH DATE: September 24, 2023

CASE INFORMATION

Date Filed: 8/9/2023
 Date of Loss: 5/27/2023
 Coverage Group: Collision, Comprehensive/OTC
 Recovery Type: Negligence

Location of Loss: ROSCOE, NY
 Negligence Law: Pure Comparative

Parties:

07120-0002 PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)

Claim Number: NY-030-394

Representative:

KORIE WHITE

888-767-2361 x: 2994

PO Box 3068

Bloomington, IL 61702-3068

00750-0003 STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO)

Claim Number: 52-50L3-37R

Representative:

VIRGINIA CAMPBELL

8777878276

PO Box 106172

Atlanta, GA 30348-6172

ARBITRATOR INFORMATION

KULWINDER SINGH

Above Arbitrators have acknowledged the AF Neutrality, Privacy and Confidentiality Statement.

AWARD SUMMARY**Award for PURE / PRIVILEGE UNDERWRITERS RECIP.'s (SUSAN LYNCH) damages****Collision - 2014 JAGUAR**

Claim Number: NY-030-394

Owing Party	Damages	Deductible	Legal Fees	Recoverable Amt	Prior Payments	Award Owed
STATE FARM MUTUAL AUTOMOBILE INS CO	\$14,797.16	----	----	\$14,797.16	----	\$14,797.16
SALVATORE TANTILLO, 100% liable						
Totals	\$14,797.16	----	----	\$14,797.16	----	\$14,797.16

Remit Payment To:

Recovering Company: PURE / PRIVILEGE UNDERWRITERS RECIP.

PO BOX 3068

BLOOMINGTON, IL 61702-3068

LIABILITY DECISION**Liability for PURE / PRIVILEGE UNDERWRITERS RECIP.'s (SUSAN LYNCH) damages**

Party	Admitted	Proven	Duties Breached
STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO)	0%	100%	Improper backing
PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)	--	0%	None

**ARBITRATION DECISION****FILING ID:** A23021498E6-C1-D1**PUBLISH DATE:** September 24, 2023

Liability for STATE FARM MUTUAL AUTOMOBILE INS CO's (SALVATORE TANTILLO) damages

Party	Admitted	Proven	Duties Breached
STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO)	--	100%	Improper backing
PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)	0%	0%	None

Arbitrator Liability Comments:

Reviewed evidence provided by Pure and State Farm. State Farm contends they caused no damage to Pure's vehicle. Police report confirms State Farm backed into Pure's parked vehicle. No contributing factor given to Pure. Police report gives State Farm contributing factor for improper backing. The evidence supports State Farm failed to maintain proper lookout.

DAMAGES

PURE / PRIVILEGE UNDERWRITERS RECIP.'s (SUSAN LYNCH) Recovery

Collision

Accept Policy Limits: No

2014 JAGUAR**Damage Decision Detail**

	Sought:	Proven:
Auto Damage	\$14,797.16	\$14,797.16

Arbitrator Decision Justification:

A repair facility cannot duplicate this environment found on the factory production line. It is common for imperfections (minute particles of dust/dirt) to appear on the painted surface. These imperfections require that the surface be "de-nibbed" and then polished to remove the imperfections as such a reduction is not warranted. In a vehicle assembly plant, the vehicle is painted in an environmentally controlled environment, equipped with very large, very costly, dedicated painting facilities. It is not possible to recreate this environment in a collision repair facility. As such, the process of color sanding and buffing is required to duplicate the OEM finish and texture when a vehicle is refinished in a collision repair environment. All manufacturers recommend a vehicle involved in a collision require a pre-repair diagnostic scan during the estimation phase of a collision repair to properly identify all required repairs. Additionally, the vehicle must have a post-repair diagnostic scan completed after the vehicle has been repaired to verify that new faults have not been introduced during the repair and to verify that the vehicle has been fully repaired. Arbitration Forums does not require an actual written invoice to prove damage, rather reasonable damages that are supported by the overall scope of the case and/or other evidence can be awarded.

Damage Award Summary

Party	Damages	Deductible	Legal Fees	Recoverable Amt	Prior Payments	Award Owed
STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO), 100% liable	\$14,797.16	\$0.00	\$0.00	\$14,797.16	\$0.00	\$14,797.16

EVIDENCE COMMENTS

PURE / PRIVILEGE UNDERWRITERS RECIP. (SUSAN LYNCH)

Police Report

Statement - Driver

Police report confirms State Farm backed into Pure's parked vehicle. No contributing factor given to Pure. Police report gives State Farm contributing factor for improper backing.

STATE FARM MUTUAL AUTOMOBILE INS CO (SALVATORE TANTILLO)

Recorded Statement

State Farm contends they caused no damage to Pure's vehicle.